

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

v.

\$27,909.00 UNITED STATES CURRENCY

23-CV-910

Defendant *in rem*.

VERIFIED COMPLAINT FOR FORFEITURE

The United States of America, by its attorneys, Trini E. Ross, United States Attorney for the Western District of New York and Elizabeth M. Palma, Assistant United States Attorney, of counsel, for its Verified Complaint herein alleges as follows:

NATURE OF ACTION

1. This is a civil action *in rem* pursuant to Title 21, United States Code, Section 881(a)(6) for the forfeiture of the sum of \$27,909.00 in United States currency (hereinafter the “defendant currency”), which was seized from Eladio Garcia (also referred to as “Garcia”) during the execution of a search warrant at his residence located at 1817 Ontario Avenue in Niagara Falls, New York on or about January 24, 2023.

JURISDICTION AND VENUE

2. This Court has subject matter jurisdiction of this action commenced by the United States pursuant to Title 28, United States Code, Section 1345 and over an action for forfeiture pursuant to Title 28, United States Code, Section 1355(a). This Court has *in rem*

jurisdiction pursuant to Title 28, United States Code, Sections 1355(b) because the acts or omissions giving rise to the forfeiture occurred in the Western District of New York. Venue is properly premised in the Western District of New York pursuant to Title 28, United States Code, Section 1395, because the defendant currency is currently in the custody of the United States Marshals Service for the Western District of New York.

FACTUAL BACKGROUND

3. Since August of 2022, Drug Enforcement Administration (hereinafter “DEA”) and Niagara Falls Police Department (hereinafter “NFPD”) have worked with a Confidential Source (hereinafter referred to as the “CS”).

4. On five separate occasions, between October 2022 and January 2023, the CS conducted controlled purchases of methamphetamine from Garcia.

5. The CS was given an audio/video recording device and money (officially known as “DEA Official Advanced Funds”) to purchase the methamphetamine. Surveillance would then follow the CS to the meeting location to meet with another individual at Garcia’s direction or Garcia himself to purchase the methamphetamine.

6. After the transaction, the CS would then be followed by surveillance to another location, where the CS would hand over the purchased methamphetamine and the recording devices to the investigators.

7. On January 24, 2023, DEA and NFPD, executed a search warrant at his residence.

8. During the search, investigators located and seized a digital scale, a small amount of methamphetamine and the defendant currency.

9. The methamphetamine and scale were located in Garcia's bedroom.

10. The defendant currency was located in Garcia's bedroom closet in the above wooden boards as well as Garcia's wallet.

11. The portion of the defendant currency found in Garcia's bedroom closet was bundled and secured by rubber bands in a black plastic bag.

12. The denominations of the defendant currency were as follows:

Denominations	Number of Bills	Total
\$100	132	\$13,200
\$50	26	\$1,300
\$20	642	\$12,840
\$10	10	\$540
\$5	5	\$25
\$1	4	\$4

13. A United States Border Protection narcotics detecting canine alerted to the defendant currency for the presence of a narcotic odor.

14. The defendant currency was seized on the basis that it was furnished, or intended to be furnished, in exchange for a controlled substance in violation of Title 21, United States Code, Section 841.

INITIATION OF CIVIL JUDICIAL ACTION

15. On or about April 3, 2023, Eladio Garcia submitted a claim to DEA to halt the administrative forfeiture proceedings against the defendant currency and requested referral for judicial forfeiture proceedings. No other claims were filed.

16. On or about July 6, 2023, the Honorable John L. Sinatra, Jr. extended the government's time to file a complaint until September 1, 2023.

CONCLUSION AND REQUEST FOR RELIEF

17. Based on all of the foregoing facts, the circumstances surrounding these facts, and the experience and training of the law enforcement officers involved, there is a reasonable belief that the defendant currency was furnished or was intended to be furnished in the furtherance of controlled substances distribution, and/or constitutes proceeds traceable to controlled substances distribution and is subject to forfeiture pursuant to Title 21 United States Code, Section 881(a)(6).

WHEREFORE, the United States of America respectfully requests that:

- (1) due process issue for the arrest of the defendant currency;
- (2) all persons having any interest therein be cited to appear and show cause why the forfeiture should not be decreed;
- (3) a judgment be entered declaring the defendant currency condemned and forfeited to the United States of America for disposition in accordance with the law;
- (4) the costs of this suit be paid to and recovered by the United States of America; and

(5) the Court grants such other and further relief as deemed just and proper.

DATED: August 31, 2023
Buffalo, New York.

TRINI E. ROSS
United States Attorney
Western District of New York


/s/ *Elizabeth M. Palma*

By: ELIZABETH M. PALMA
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STATE OF NEW YORK)
COUNTY OF ERIE) ss.:
CITY OF BUFFALO)

Special Agent Kylabeth Kaz, being duly sworn, deposes and says:

I am a Special Agent with the Drug Enforcement Administration, Buffalo New York, and I am familiar with the facts and circumstances surrounding the seizure of \$27,909.00 United States currency from Eladio Garcia at his residence located at 1817 Ontario Avenue Niagara Falls, New York on or about January 24, 2023. The facts alleged in the Complaint for Forfeiture are true to the best of my knowledge and belief based upon information furnished to me by officials of the DEA and the NFPD and provided to the officials of the United States Attorney's Office.



Kylabeth Kaz
Special Agent
Drug Enforcement Administration

Subscribed and sworn to before me this 31 day of August 2023.



LEVI BOURDETTE

Notary Public, State of New York
Qualified in Erie County
Reg. No. 01BO6405746
My Commission Expires 3-16-2024